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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,927	12/21/2000	Takahiro Ishizuka	003510-069	7352

21839 7590 10/14/2003

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EXAMINER

SHOSHO, CALLIE E

ART UNIT	PAPER NUMBER
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1714

DATE MAILED: 10/14/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/740,927

Applicant(s)

ISHIZUKA ET AL.

Examiner

Callie E. Shosho

Art Unit

1714

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 September 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 20 May 2003. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☒ Applicant's reply has overcome the following rejection(s): rejection of record utilizing Sacripante et al. (U.S. 6,025,412).
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☒ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attachment.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____

Claim(s) objected to: _____

Claim(s) rejected: 1,5-6,9-10,13,17,20-25.

Claim(s) withdrawn from consideration: _____

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

Callie E. Shosho
Primary Examiner
Art Unit: 1714

Attachment to Advisory Action

1. Applicants' amendment and 1.132 declaration filed 9/22/03 have been considered.

Applicants' amendment is successful in overcoming the rejection of record utilizing Sacripante et al. (U.S. 6,025,412) as set forth in paragraph 5 of the office action mailed 11/20/02.

However, the amendment and declaration are not successful in overcoming the rejection of record utilizing Tsutsumi et al. (U.S. 6,031,019) as set forth in paragraph 5 of the office action mailed 11/20/02 for the following reasons.

In the declaration, applicants prepare ink according to method utilized in the present specification but using polymer and dye disclosed by Tsutsumi et al. The declaration states that the resulting ink does not have dispersion stability.

On pages 14-16 of the amendment, applicants point to Table 3 of the present specification and note that the inks of the present invention have superior dispersion stability and that upon comparison of the dispersion stability of the inventive inks as set forth in Table 3 with the ink as set forth in comparative example 1 of the declaration, it is clear that the inventive inks provide surprising or unexpected results over Tsutsumi et al. in the form of improved dispersion stability.

However, for each of the inventive inks set forth in Table 3 of the present specification, there is given a particle diameter of the coloring composition and the colored degree of the filter. Based on these criteria, the ink is determined to possess superior dispersion stability. However, with respect to the comparative example as set forth in the declaration, there is no indication of particle diameter of the coloring composition and the colored degree of the filter. Thus, it is not clear how applicants determined that the ink of the comparative example did not have dispersion

stability. Clarification is requested. It is not clear how can the dispersion stability of the comparative ink is compared to the dispersion stability of the inventive inks if the colored degree of the filter was not measured. How was it determined that the ink of the comparative example of the declaration had poor dispersion stability? Was the comparative ink of the declaration filtered through a filter to determine the degree of coloration of the filter? Does the ink of the comparative example of the declaration rate a "C", i.e. considerable coloration of the filter? Without such measurement, it is not clear how the comparative ink compares to the inventive inks in terms of dispersion stability or how applicants determined that the comparative ink has poor dispersion stability.

NOTE: If applicants were to respond to examiner's comments above with another amendment and/or declaration, examiner would consider such amendment or declaration although it is after-final.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Callie E. Shosho whose telephone number is 703-305-0208. The examiner can normally be reached on Monday-Friday (6:30-4:00) Alternate Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 703-306-2777. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



Callie E. Shosho
Primary Examiner
Art Unit 1714

CS
10/8/03